

FRANK CASE IS ARGUED

BEFORE SUPREME COURT

Effort Made to Set Aside
Ver-

dict Because He Was
Not

Present at Reading

For three hours and fifteen minutes, the State Supreme Court, Monday morning, listened to arguments for and against Leo M. Frank's motion to set aside the verdict of guilty in his Case, which motion had been overruled by Judge B. H. Hill.

The members of the Supreme Court who heard the arguments were Chief Justice Fish and Associate Justices Hill and

Atkinson. Frank was represented by Tye, Peeples & Jordan, Herbert Haas, Leonard Haas and Harry A. Alexander. Solicitor General Hugh M. Dorsey and Attorney General Warren Grice represented the State and opposed the motion.

Four hours—two hours to the side—were allowed by the Court, but the State did not require but one hour and fifteen minutes to present its argument. Solicitor Dorsey spoke about an hour and Attorney General Grice about fifteen minutes. Mr. Tye opened for the defense with a speech of about an hour. He was followed by Mr. Grice, who in turn was followed by Mr. Dorsey. Mr. Peeples, of the defense, closed the arguments with a speech of about an hour.

This motion to set aside the verdict is the last of Frank's pending appeals and it is not thought he will bring any others. Attorneys are of the opinion, that if the State Supreme Court holds against him on this motion, he will appeal this point to the United States Supreme Court and should he fail there he will turn to the State prison commission and the governor for a commutation of sentence.

Frank bases his motion to set aside the verdict in his Case on the grounds that he was not present in Court when the verdict was read and was therefore denied his right to poll the jury. It is contended by the defense that Frank did not waive his right to be present and that under the law he could not make such a waiver.

The Supreme Court was crowded with spectators during the hearing.
